

LOUISIANA BOARD OF ETHICS
MINUTES
July 15, 2011

The Board of Ethics met on July 15, 2011 at 9:00 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Backhaus, Blewer, Hymel, Ingrassia, Leggio, Lowrey, Monroe, Simoneaux and Stafford present. Absent were Board Members Bowman and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel Alesia Ardoin, Tracy Barker, Aneatra Boykin, Michael Dupree, Brent Durham and Deidra Godfrey.

The Board issued commendations for outstanding achievements and years of public service to former Board Members Robert P. Bareikis, James Boyer and Scott E. Frazier. Mr. Frazier was present to accept his commendation and thanked the Board and staff for the recognition.

Board Member Bowman arrived at the meeting at 9:09 a.m.

Ms. Jenny Jackson and Mr. Gray Sexton, attorneys for Caroline Fayard, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-480 in connection with a request for a waiver of the \$700 and \$300 late fees assessed against Ms. Fayard, a candidate for Lt. Governor, in the October 2, 2010 election, for filing her two (2) Special campaign finance disclosure reports seven and three days late. After hearing from Ms. Jackson, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,000 based on the level of activity and prior late filings. Board Member Blewer recused herself.

Ms. Ruth Blanchard appeared before the Board in Docket No. 10-1180 in connection with a request for a waiver of the \$1,500 late fee assessed against her for filing her 2008 Tier 2.1 annual

personal financial disclosure statement 40 days late. After hearing from Ms. Blanchard, on motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended \$1,400 conditioned upon future compliance with the Code of Governmental Ethics.

Mr. Ruben LeBlanc, a candidate for Senate, District 22 in the January 22, 2011 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-477 in connection with a request for a waiver of the \$600 late fee assessed against him for filing his 30-P campaign finance disclosure report 11 days late and in Docket No. 11-797 in connection with a request for a waiver of the \$600 late fee assessed against him for filing his EDE-P campaign finance disclosure report 37 days late. After hearing from Mr. LeBlanc, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,200 but suspended \$1,000 conditioned upon future compliance with the Campaign Finance Disclosure Act, and with the remaining \$200 balance to be made payable in monthly installments.

Ms. Sheryl Ranatza, Deputy Secretary for the Department of Public Safety & Corrections (DPS&C), Corrections Services Department, appeared before the Board in Docket No. 11-523 in connection with reconsideration of a previously rendered advisory opinion regarding post employment restrictions. After hearing from Ms. Ranatza, on motion made, seconded and unanimously passed, the Board concluded that, based on its review of the additional information provided, Ms. Ranatza would be considered an “agency head” as defined by the Code of Governmental Ethics and for purposes of the application of the post employment restrictions contained in the Code of Governmental Ethics. Therefore, the Board reaffirmed its advisory opinion initially rendered as follows:

(1) Following her retirement from DPS&C, may Ms. Ranatza work for a company that facilitates and/or manages work release programs for Louisiana state inmates? The Board concluded that as Deputy Secretary of the Corrections Services Department, Ms. Ranatza is an agency head. Her agency is made up of the Legal Services, Policy Development, Legislative Liaison, Internal Audit, and Victim Services departments as well as the Department of Public Safety and Corrections Secretary's Leadership Team. As such, the Board concluded that Section 1121A(1) of the Code the Code of Governmental Ethics would prohibit Ms. Ranatza from assisting a company that facilitates and/or manages work release programs for Louisiana State inmates if such assistance involves the Legal Services, Policy Development, Legislative Liaison, Internal Audit, and Victim Services departments as well as the Department of Public Safety and Corrections Secretary's Leadership Team, for a period of two years following the termination of her public service as the head of such agency.

(2) Following her retirement from DPS&C, may Ms. Ranatza work for a company or program that involves federal inmates in Louisiana? The Board concluded that Section 1121A(1) of the Code of Governmental Ethics would prohibit Ms. Ranatza from assisting a company or program that involves federal inmates if such assistance involves the Legal Services, Policy Development, Legislative Liaison, Internal Audit, and Victim Services departments as well as the Department of Public Safety and Corrections Secretary's Leadership Team.

(3) Prior to her retirement, it is allowable for Ms. Ranatza, as a part owner of a corporation in Louisiana, to provide services to another corporation for the purpose of placing federal inmates in Louisiana jails? The Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics would prohibit Ms. Ranatza's company from providing services to another company if that company has a business, financial, or contractual relationship with the Legal Services, Policy Development, Legislative Liaison, Internal Audit, and Victim Services departments as well as the Department of Public Safety and Corrections Secretary's Leadership Team or is regulated in any manner by the Legal Services, Policy Development, Legislative Liaison, Internal Audit, and Victim Services departments as well as the Department of Public Safety and Corrections Secretary's Leadership Team.

Mr. Richard Lyons, Treasurer for Louisiana Mid Continent Oil and Gas Association (MC-PAC), appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-953 in connection with a request for a waiver of the \$1,600 late fee assessed against the committee for filing the 180-P campaign finance disclosure report eight days late. After hearing from Mr. Lyons, on motion made, seconded and passed by a vote of 8 years

by Board Members Backhaus, Bowman, Hymel, Ingrassia, Leggio, Lowrey, Simoneaux and Stafford and 2 nays by Board Members Blewer and Monrose, the Board declined to waive the \$1,600 late fee but suspended \$1,100 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Ms. Victoria M. Lore, Treasurer for TPAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-956 in connection with a request for a waiver of the \$1,400 late fee assessed against the committee for filing the 180-P campaign finance disclosure report seven days late. After hearing from Ms. Lore, on motion made, seconded and passed by a vote of 8 yeas by Board Members Backhaus, Bowman, Hymel, Ingrassia, Leggio, Lowrey, Simoneaux and Stafford and 2 nays by Board Members Blewer and Monrose, the Board declined to waive the \$1,400 late fee but suspended \$900 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Derrell Cohoon, Secretary-Treasurer for Louisiana Associate General Contractors Construction Industry Political Action Committee, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 11-947 in connection with a request for a waiver of the \$1,600 late fee assessed against the committee for filing the 180-P campaign finance disclosure report eight days late. After hearing from Mr. Cohoon, on motion made, seconded and passed by a vote of 8 yeas by Board Members Backhaus, Bowman, Hymel, Ingrassia, Leggio, Lowrey, Simoneaux and Stafford and 2 nays by Board Members Blewer and Monrose, the Board declined to waive the \$1,600 late fee but suspended \$1,100 conditioned upon future compliance with the Campaign Finance Disclosure Act.

Mr. Jimmy Wallace appeared before the Board in Docket No. 11-876 in connection with a

request for a waiver of the \$1,500 late fee assessed against him for filing his Tier 2.1 personal financial disclosure statement 522 days late. After hearing from Mr. Wallace, the Board temporarily deferred the matter to enable the staff to retrieve Mr. Wallace's mail receipts.

Mr. Neil Hall, III, 22nd Judicial District Assistant District Attorney, and Mr. Reid Falconer, a member of the St. Tammany Parish Council, appeared before the Board in Docket No. 11-620 in connection with a request for reconsideration of an advisory opinion regarding whether a company owned by Mr. Falconer may apply for an "administrative approval" of a minor subdivision of property. After hearing from Mr. Hall and Mr. Falconer, on motion made, seconded and unanimously passed, the Board instructed the staff to re-draft a revised advisory opinion finding no violation of the Code of Governmental Ethics based upon the facts as presented by Mr. Hall and Mr. Falconer.

Mr. Jimmy Wallace appeared before the Board in Docket No. 11-876 in connection with a request for a waiver of the \$1,500 late fee assessed against him for filing his Tier 2.1 personal financial disclosure statement 522 days late. After hearing from Mr. Wallace, the Board declined to waive the \$1,500 late fee but suspended \$1,350 conditioned upon future compliance with the Code of Governmental Ethics.

On motion made, seconded and unanimously passed, the Board adopted the following general business agenda items:

Adopted for publication, a consent opinion in Docket No. 09-964 in which William Hubbard, the former St. John the Baptist Parish President, agrees that violations of Sections 1112A(1), 1112B(2), and 1113A(1)(a) of the Code of Governmental Ethics occurred by his introducing at two Parish Council meetings ordinances for the re-subdivision of a residential construction project at

River Road Terrace when the application for re-subdivision was submitted by M&H Heavy Equipment Rentals, a company in which he owned a 50% interest at the time, and a violation of Section 1115 A(1) of the Code of Governmental Ethics occurred by his requesting Davezac Consulting, LLC; Pipeworks Plumbing and Demolition, LLC; and Parson & Sanderson, Inc., companies that had a contractual, business or other financial relationship with the Parish while Mr. Hubbard served as Parish President, to pay money to a car dealership to help a friend of Mr. Hubbard's purchase a car and in which no fine is to be imposed against Mr. Hubbard due to his guilty plea to federal charges of conspiracy to solicit and give bribes to public officials and his resulting sentence of 42 months imprisonment in federal prison.

Adopted for publication, a consent opinion in Docket No. 10-331 in which Rural Broadcasting Services (RBS) agrees that a violation of Section 1117 of the Code of Governmental Ethics occurred by paying Kenneth Dawson, West Feliciana Parish President, for consulting services while RBS had a business relationship with West Feliciana Parish and in which no fine is to be imposed.

Adopted for publication, consent opinions in Docket No. 10-399 in which (1) Rica Trigs, the Chief Operations Office of the New Orleans Public Library (NOPL), agrees that a violation of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by her acceptance of supplemental pay from the New Orleans Public Library Foundation (NOPLF) and acting as the executive director of the NOPLF at a time when NOPLF has a business relationship with the NOPL and in which no fine is imposed; and, (2) the New Orleans Public Library Foundation (NOPLF) agrees that a violation of Section 1117 of the Code of Governmental Ethics occurred by providing supplemental pay to Rica Trigs, the Chief Operations Office of the New Orleans Public Library

(NOPL), of which she was prohibited from receiving and in which the New Orleans Public Library Foundation agrees to pay a fine of \$1,500.

Absent specific information, declined to render an advisory opinion in Docket No. 11-432 regarding two companies which are owned by two members of the Plaquemines Parish Council entering into an agreement with each other.

Adopted an advisory opinion in Docket No. 11-635 concluding that no violation of the Code of Governmental Ethics is presented by Mayor Judy Tillman, Village of Heflin, maintaining her employment with the Department of Public Safety and Corrections (DPSC) while she serves as Mayor of the Village of Heflin, since the services she will provide to the DPSC are not substantially related to the services she provides to the Village of Heflin.

Adopted an advisory opinion in Docket No. 11-728 concluding that no violation of the Code of Governmental Ethics is presented by Layton Ricks, a candidate for Livingston Parish President in the October 22, 2011 election, or his employer, Alvin Fairburn & Associates, providing compensated services to Livingston Parish while Mr. Ricks is running for Parish President, since in his capacity as a candidate for elected office, he is not subject to the provisions of Section 1111C(2)(d) of the Code of Governmental Ethics and therefore there are no prohibitions placed on his employer, Alvin Fairburn & Associates. The Board further advised that if Mr. Ricks is elected to the office of Parish President, he will be prohibited from receiving any thing of economic value for services provided to Alvin Fairburn & Associates while it has a contractual, business or financial relationship with Livingston Parish.

Adopted an advisory opinion in Docket No. 11-735 concluding that Section 1119 of the Code prohibits the employment of Melody Goldman by the Lafourche Parish Coroner's Office while her

husband, Mark Goldman, serves as the Administrator and Chief Investigator for the Lafourche Parish Coroner's Office, since as the Administrator and Chief Investigator, Mr. Goldman is the agency head for the investigative division of the Coroner's Office.

Adopted an advisory opinion in Docket No. 11-904 concluding that Section 112A of the Code of Governmental Ethics prohibits the members of the Board of Commissioners for the Parks and Recreation District #3 from implementing a policy under which they will be granted access to the North Park Fitness and Aquatics Center, a facility under the board's jurisdiction, at a discounted rate, since the proposed 50% discount amounts to a substantial economic interest.

The Board recessed at 11:50 a.m. and unanimously resolved back into general business session at 12:30 p.m. with Board Member Bowman absent.

Adopted an advisory opinion in Docket No. 11-908 concluding that no violation of the Code of Governmental Ethics is presented by James Sarver, a Reserve Deputy with the Lafayette Parish Sheriff's Department, and Gerald Johnson, a Deputy with the Acadia Parish Sheriff's Office, opening a business which sells police supplies and services to their respective agencies and officers within the agencies if the deputies will both individually own less than twenty-five (25%) percent each in said company. The Board further advised that Mr. Sarver and Mr. Johnson will be required to file an annual financial disclosure statement pursuant to Section 1114 of the Code of Governmental Ethics with the Board of Ethics disclosing any income received from their police supply business.

Adopted an advisory opinion in Docket No. 11-909 concluding that no violation of the Code of Governmental Ethics is presented by George Brewton, the Geologist Supervisor in the Enforcement Section of the Injection and Mining Division of the Office of Conservation, accepting

employment with a consulting firm that prepares and submits injection well applications to the Geological and Engineering Section of the Office of Conservation, since, as an employee of the consulting firm, it does not appear that Mr. Brewton will be assisting another person in a transaction that involves his former agency or contracting back with his former agency, the Enforcement Section of the Injection and Mining Division of the Louisiana Office of Conservation.

Declined to render an advisory opinion in Docket No. 11-912 regarding whether the Village of Tickfaw can pay for the mayor's spouse or other persons to attend conventions and whether there is a certain per diem requirement that the town can use to implement a per diem policy, since the questions appear to be issues concerning the proper use of public funds, which is the under the jurisdiction of the Attorney General's Office.

Adopted an advisory opinion in Docket No. 11-927 concluding that Section 1124.2.1 of the Code of Governmental Ethics would require the members of the Lafayette Workforce Investment Board (LWIB) #41 to begin to file annual personal financial disclosure statements beginning on May 15, 2012 if the population of Lafayette Parish does indeed exceed 200,000 when the 2010 census numbers become effective, irrespective that the population of Lafayette Parish was less than 200,000 at the time LWIB #41 was created by Lafayette Parish.

Declined to render an advisory opinion in Docket No. 11-929 regarding the review and certification of Spill, Prevention, Control and Countermeasures Plans, since the issue is not under the jurisdiction of the Board of Ethics.

Adopted an advisory opinion in Docket No. 11-932 concluding that no violation of the Code of Governmental Ethics is presented by WFN Consulting Corporation serving as a subcontractor to provide administrative consulting services to Louisiana Division of Administration Office of

Community Development/Disaster Recovery Unit (OCD/DRU), since WFN did not participate in the drafting of the RFP for the contract, nor do they have any current or prior agreements with OCD/DRU and the company would not have a greater benefit than any other company that submitted a proposal in response to the RFP.

Adopted an advisory opinion in Docket No. 11-967 concluding that Section 1119A of the Code of Governmental Ethics prohibits the son of Dennis Crocker, Fire Chief for the Town of Independence, from being employed by the Independence Fire Department, since, as the chief administrator and/or executive officer of the fire department, Chief Crocker is the agency head.

Adopted an advisory opinion in Docket No. 11-970 with respect to a request for clarification of advisory opinions rendered in Board Docket Nos. 2011-445 and 2010-165 regarding appointments to Housing Authorities concluding the following:

In Board Docket No. 2010-165, the Board was asked whether a councilmember for the Town of Cottonport may be appointed to the Governing Board for the Cottonport Housing Authority when the appointments were made by the mayor and confirmed by the town council. The Board noted that while Section 1113 prohibits a public servant from entering into transactions under the supervision or jurisdiction of his agency, Section 1113A(1)(b)(ii) provided an exception that allows a governing authority to appoint one of its members to a board when the governing authority is the appropriate appointing authority. The Board found the town council to be an appropriate appointing authority since all appointments to the governing board were required to be confirmed by the town council. Therefore, the Board concluded that a councilmember may be appointed to the governing authority.

Contrastingly, in Board Docket No. 2011-445, the Board concluded that a councilmember for the Town of Simmesport could not be appointed to the Board of Commissioners for the Simmesport Housing. In this matter, the above-stated exception was not applicable. The opinion in 2011-445 was based on the fact that the mayor of Simmesport made appointments to the Board of Commissioners without council approval, thus the town council was not an appropriate appointing authority. Accordingly, an appointment by the mayor would amount to a transaction under the supervision or jurisdiction of the councilmember's agency—the Town of Simmesport.

In both instances, the appointments would be considered transactions under the

jurisdiction of the agency of the councilmembers. However, the exception is only applicable in Board Docket No. 2010-165 because appointments are confirmed by the town council. In 2011-445, since the town council did not have a role in appointments to the Simmesport Housing Authority Board of Commissioners, the exception does not apply and the appointment is prohibited under the general restrictions set forth in Section 1113A.

Adopted an advisory opinion in Docket No. 11-976 concluding that no violation of the Code of Governmental Ethics is presented by Arcadiane Renovations, LTD (ARL) contracting with the St. Mary Parish Levee District when Dan Hidalgo, second cousin of Levee District President William Hidalgo, Sr., serves as the President of ARL, since an “immediate family member” as defined by Section 1102(13) of the Code of Governmental Ethics does not include second cousins.

Adopted an advisory opinion in Docket No. 11-977 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits employees of the 19th JDC Drug Court from obtaining employment with the Baton Rouge Area Alcohol and Drug Center (BRAADC), since the 19th JDC Adult Drug Court and BRAADC have a business relationship where patients of the Drug Court are referred to BRAADC for detoxification services. The Board further concluded that it appears that the employees of BRAADC meet the requirements for the 82-02D exception and thus, will be allowed to accept employment with the Drug Court while a business relationship exists between BRAADC and the Drug Court. Those employees of BRAADC that obtain part-time work with the Drug Court are prohibited under Section 1112 of the Code of Governmental Ethics from participating in transactions with the Drug Court that involve BRAADC and are prohibited from referring patients of the Drug Court to BRAADC.

Board Member Leggio was excused from the meeting at 12:45 p.m.

Due to lack of standing, declined to render an advisory opinion in Docket No. 11-978 as to the propriety of a person serving as Mayor of the Town of Independence when his wife is the

Director of the Housing Authority for the Town of Independence.

Adopted an advisory opinion in Docket No. 11-982 concluding that no violation of the Code of Governmental Ethics is presented by Thomas Hayes, an employee of the Bossier Parish EMS Ambulance District, serving as a member of the Bossier Parish Police Jury, since as an EMT, Mr. Hayes does not serve in an administrative capacity with the Bossier Parish EMS and it does not appear that Mr. Hayes will enter into any transactions with the Police Jury. The Board further advised that since the Bossier Parish EMS is not defined as a person, there is no violation of the Code of Governmental Ethics if Mr. Hayes, as a member of the Council, participates and votes on matters regarding the Bossier Parish EMS.

Adopted an advisory opinion in Docket No. 11-985 concluding that no violation of the Code of Governmental Ethics is presented by Michelle Ferrant, a former employee with the Louisiana Disability Determinations Services, providing services to clients of the Department of Children and Family Services (DCFS) as long as she does not treat any clients that she treated during her previous employment with the Louisiana Disability Determinations Services, for two years following the termination of her employment with said agency.

Adopted an advisory opinion in Docket No. 11-1029 concluding that no violation of the Code of Governmental Ethics is presented by Michael Marchand, the Chairman of the Ascension Parish Planning and Zoning Commission, continuing to serve on the Commission while a matter concerning property owned by his mother and two uncles is to be heard before the Commission, however, under Section 1120 of the Code, and to avoid a violation of Section 1112 of the Code of Governmental Ethics, Mr. Marchand, as a member of the Commission, may recuse him from the vote and discussion of the partition of the land owned by his mother and two uncles. The uncles of

Mr. Marchand are not defined by the Code as immediate family members, however, Mr. Marchand's mother is an immediate family member. As such, she is prohibited by Section 1113 of the Code from being in anyway interested in any transaction that comes before the Planning and Zoning Commission. Thus, it would be a violation of the Code for any matter regarding property owned by Mr. Marchand's mother to appear before the Planning and Zoning Commission while Mr. Marchand sits as a member of the Commission.

The Board considered the following general business agenda items:

On motion made, seconded and unanimously passed, the Board approved the minutes of the June 16-17, 2011 meetings.

The Board considered a request for an advisory opinion in Docket No. 11-231 regarding Sheila Jones-Jordan, an employee of the Department of Health and Hospitals, Bureau of Health Services Financing, Health Standards Section, performing clinicals in hospitals regulated by the Health Standards Section. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Jones-Jordan performing clinicals in hospitals regulated by the Health Standards Section, since she is not compensated by the hospitals for her services performed in the clinicals.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board reconsidered a request in Docket No. 11-682 for a waiver of the \$1,000 late fee assessed against Mary Chehardy, a candidate for Jefferson Parish Assessor, in the April 2, 2011 election, whose 30-P campaign finance disclosure report was filed 11 days late. On motion made, seconded and unanimously passed, the Board affirmed the decision to decline to waive and approved a payment plan of \$25 per month.

The Board considered proposed Ethics Training Rules. On motion made, seconded and passed, the Board instructed the staff to proceed with the promulgation of the proposed rules.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for “good cause” waivers of late fees assessed against the following candidates and political action committees:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 11-935 from Troy Brown of a \$480 late fee;
Docket No. 11-936 from Denise Holden of a \$2,000 late fee;
Docket No. 11-938 from LA Democrats of a \$2,200 late fee and a \$1,000 late fee;
Docket No. 11-939 from Emile Metoyer of a \$400 late fee;
Docket No. 11-941 from Ronelle “Bruce” Broussard of a \$1,000 late fee;
Docket No. 11-942 from Richard J. “Rick” Smith of a \$320 late fee;
Docket No. 11-943 from Timothy “Tim” Baudier of a \$700 late fee and a \$300 late fee;
Docket No. 11-945 from Carl Richard of a \$720 late fee;
Docket No. 11-946 from Mike Huval of a \$180 late fee;
Docket No. 11-949 from Joseph A. “Joe” Pitre of a \$1,000 late fee;
Docket No. 11-952 from Danyelle Taylor of a \$600 late fee and a \$600 late fee;
Docket No. 11-954 from Concerned Citizens of Kenner PAC of a \$1,400 late fee;
Docket No. 11-955 from Maureen “Moe” Clary of a \$40 late fee;
Docket No. 11-957 from Ginger Armstrong of a \$200 late fee; and,
Docket No. 11-1015 from Allen “Al” Leone of a \$100 late fee.

The Board unanimously waived the \$500 late fee assessed against Arthur K. Lewis in Docket No. 11-951.

The Board unanimously declined to waive the \$900 late fee in Docket No. 11-937 assessed against R.A. "Skip" Galan, a candidate for Jefferson Parish Assessor in the April 2, 2011 election, whose 10-G campaign finance disclosure report was filed 9 days late, but suspended \$600 based on the level of activity and no prior late filings.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-940 assessed

against Chuncey Fontenot, a candidate for Chief of Police for the City of Ville Platte in the October 2, 2010 election, whose EDE-P campaign finance disclosure report was filed 154 days late, but suspended \$300 based on the level of activity and no prior late filings.

The Board unanimously declined to waive the \$1,000, \$1,000 and \$400 late fees in Docket No. 11-1015 assessed against Allen "Al" Leone, a candidate for Jefferson Parish President in the October 20, 2007 election, a candidate for Senate, District 9 in the October 4, 2008 election, and a candidate for Jefferson Parish Assessor in the April 2, 2011 election, whose (2) Supplemental reports were filed 69 days late and EDE-P report was filed 4 days late, but suspended all but \$300 of the late fee for the Supplemental report for the 10/20/2007 election based on no activity; suspended all but \$200 of the late fee for the Supplemental report for the 10/4/2008 election based on no activity; and suspended all but \$300 of the late fee for the EDE-P report for the 04/02/2011 election based on no activity.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-944 for a waiver of the \$1,400 late fee assessed against LA Maritime Council, a political action committee, whose 180-P campaign finance disclosure report was filed seven days late. On motion made, seconded and passed by a vote of 6 yeas by Board Members Backhaus, Hymel, Ingrassia, Lowrey, Simoneaux, Stafford and 2 nays by Board Members Blewer and Monroe, the Board declined to waive the \$1,400 late fee but suspended \$900 conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-948 for a waiver of the \$800 late fee assessed against Steve Prator, a candidate for Sheriff of Caddo Parish, in the October 22, 2011 election, whose 180-P

campaign finance report was filed eight days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee based on the level of activity. Board Member Blewer recused herself.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists:

The Board unanimously waived the \$50 late fee in Docket No. 11-1039 assessed against Fred Chevalier for failure to timely file his April 2011 Executive lobbying expenditure report.

The Board unanimously declined to waive the \$300 late fee in Docket No. 11-1047 assessed against Warren Privetts, Sr. for failure to timely file his March 2011 Executive lobbying expenditure report.

The Board unanimously declined to waive the \$50 late fee in Docket No. 11-1048 assessed against Jim Perry for failure to timely file his December 2010 Executive lobbying expenditure report.

The Board considered requests for “good cause” waivers of late fees assessed against the following individuals in connection with the failure to timely file personal financial disclosure statements:

The Board unanimously declined to waive the \$1,500 late fee in Docket No. 11-880 assessed against Ronald Dugas for filing his 2009 Tier 3 candidate personal financial disclosure statement 36 days late, based on the waiver guidelines.

The Board unanimously declined to waive the \$200 late fee in Docket No. 11-881 assessed against Deanna LeJuene for filing her Tier 3 candidate personal financial disclosure statement four

days late, but suspended the entire late fee conditioned upon future compliance with the Code of Governmental Ethics in accordance with the waiver guidelines.

The Board unanimously declined to waive the \$2,500 late fee in Docket No. 11-960 assessed against East Baton Rouge Mayor Melvin L. “Kip” Holden for filing his amended 2008 annual personal financial disclosure statement 449 days late, based on the waiver guidelines.

The Board unanimously agreed to consider the following supplemental agenda items:

The Board considered a request for an advisory opinion in Docket No. 11-1016 regarding whether Byron Hines, Administrator of the Northwest Louisiana War Veterans Home, may accept a scholarship to attend the Louisiana-Mississippi Hospice and Palliative Care Organization (LMHPCO) Annual Leadership Conference in New Orleans. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Hines accepting the scholarship to attend the LMHPCO conference, since the scholarship meets all the requirements contained in Section 1123(41) of the Code of Governmental Ethics. The Board further advised that Mr. Hines must file an affidavit with the Board of Ethics within 60 days after such acceptance disclosing (i) the name of the person or organization who gave, provided, or paid in whole or in part for the admission, lodging, or transportation, (ii) the person or organization that hosted the seminar or conference, and (iii) the amount expended on his behalf by the person or organization on admission, lodging, and transportation.

The Board considered a request for an advisory opinion Docket No. 11-1068 as to whether the 14 year old son of Robert Myer, Mayor of New Roads, may continue his employment with the City of New Roads. On motion made, seconded and unanimously passed, the Board concluded that Section 1119A of the Code of Governmental Ethics prohibits Peyton Myer from continuing to audit

the Mayor's Summer Youth Employment Program while his father, Robert Myer, serves as the Mayor for the City of New Roads.

The Board accepted for filing, the ethics disclosure statements filed in Docket No. 11-1110 for June 2011.

The Board considered a request for clarification of an advisory opinion in Docket No. 09-710 regarding Harold Temple, an employee of the Sabine River Authority, entering into transactions with the Sabine River Authority. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Temple requesting and receiving a permit from the Sabine River Authority Shoreline Department while he is employed as an Administrative Program Specialist C in the Shoreline Department, since he has a contract that precedes his employment with the Sabine River Authority, which specifically grants him the right to request and receive permits for dredging and construction of boat launches. The Board further advised that Section 1112A of the Code of Governmental Ethics would prohibit Mr. Temple from reviewing and approving his own permit applications. Therefore, another employee, not under his supervision, would be required to review and approve any permit application submitted by him to the Permit/Shoreline Management Program.

Ms. Allen provided a status report with respect to legislation passed during the 2011 Regular and Extraordinary Legislative Session that affects the laws administered by the Louisiana Board of Ethics.

Ms. Allen provided an overview of the matter involving Judge Morvant's ruling with respect to charges filed with the Ethics Adjudicatory Board against candidates who failed to file and who

failed to timely file campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board agreed to re-file the Shawn Barney case in Docket No. 08-613 in the 19th Judicial District Court and to file suit for a Declaratory Judgment in the 19th Judicial District Court.

On motion made, seconded and unanimously passed, the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, agreed to hold hearings on campaign finance matters involving charges issued against those required to file campaign finance disclosure reports.

On motion made, seconded and unanimously passed, the Board instructed the staff to file a Motion to Stay the proceedings pending resolution in the 19th Judicial District Court or any higher court with respect to those matters currently before the Ethics Adjudicatory Board.

The Board unanimously resolved into executive session.

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EXECUTIVE SESSION

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The Board unanimously resolved into general business session and adjourned at 1:43 p.m.

Secretary

APPROVED:

Chairman

